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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,738	12/31/2003	John M. Rice	RiceWedge	1837
27119	7590	08/11/2004	EXAMINER	
ALBERT W. WATKINS 30844 NE 1ST AVENUE ST. JOSEPH, MN 56374			FUQUA, SHAWNTINA T	
		ART UNIT		PAPER NUMBER
				3742

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/750,738	RICE, JOHN M.
	Examiner Shawntina T. Fuqua	Art Unit 3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 December 2003.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Addison et al (US5183995) in view of Cruickshank (US1109323).

Addison et al discloses a combination beverage pot (25) and warming surface (23) having a beverage pot (25) for retaining liquid therein and a base (21), and a warming surface is a heat source which couples with pot for maintaining liquid at an elevated temperature (Figure 1), spacer is rectangular (column 7, lines 45-47), and an angled spacer (27, 35, column 3, line 56-column 4, line 37) between the pot and the warming surface (23) to elevate a majority of the pot above and separate from warming base where, the spacer can be selectively removed and cleaned from the warming surface, and the pot can be selectively removed from the warming surface and spacer to dispense the beverage. Addison et al does not disclose a spacer which is capable of tilting the pot, a spacer in the shape of a wedge defined by a thickness generally decreasing, wedge is rectangular from a top view, wedge thickness is less than an elevation of a pot retaining feature, spacer is stamped metal. Cruickshank discloses a spacer (10) which is capable of tilting the pot (column 2, lines 59-60, 104-114), a spacer in the shape of a wedge (Figure 2) defined by a thickness generally decreasing, wedge is rectangular from a top view (Figure 5), wedge

thickness is less than an elevation of a pot retaining feature (Figures 4, 6, 8, 10), spacer is stamped metal (column 1, lines 34-47). Although Cruickshank doesn't explicitly state that the pot can be tilted, because of the concave shape of the upper face, it is possible to place a pot on the upper face of the spacer in a tilted fashion. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have replaced the spacer of Addison et al with the spacer of Cruickshank because, a concave spacer allows an air chamber between the pot and the spacer which allows heat to be evenly distributed and retained.

Addison et al in view of Cruickshank discloses all of the recited subject matter except an insignia on a surface of the spacer/wedge. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an insignia on a surface of the spacer/wedge as an advertisement means.

Conclusion

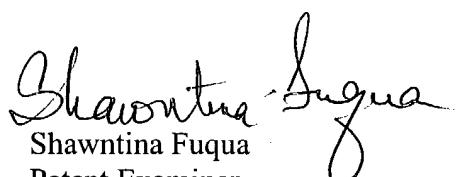
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawntina T. Fuqua whose telephone number is (703) 305-2581. The examiner can normally be reached on Monday-Friday 8-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on (703) 305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3742

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

stf
August 5, 2004


Shawntina Fuqua
Patent Examiner
Art Unit 3742